

An Overview of Washington County's Zoning Process



The County controls land use activity through a process known as zoning. Zoning is a mechanism to separate land uses so that they are reasonably compatible with one another.

The County is divided into seven different zones. These zones are regulated according to community concerns as to use, size, height, lot area, floor density, structures, etc. In each zone certain types of land uses are allowed and others are prohibited. The determination of their approval or denial is based upon the decision that the use is compatible with that particular zone.

Also guiding the County's zoning process and the determination of what makes for a compatible land use, is a document known as the Washington County Comprehensive Plan. The Plan is comprised of a multi-paged text and maps. The document and map serve as a blueprint for the County's land use goals and objectives as they are developed through ongoing public input. This multiple-page plan outlines a basic understanding of the County's collective philosophies about land use matters as they are incorporated as public policy statements. These policy statements, in turn, guide the County's zoning process. If there is a disagreement about a zoning matter, County staff will often review the Comprehensive Plan to determine if its goals and objectives support the zoning matter.

It is important to note that the Comprehensive Plan is considered a flexible document that provides some room for interpretation. The latitude built into this document reflects the public's tendency to shift its land use views and values over time.

What are the Necessary Steps for a Zone Change?



The applicant is asked to fill out a zone change application through the Planning and Zoning Department. It should be noted that the land use proposal might require other land use actions.

- The applicant is encouraged to request a pre-conference meeting with staff to acquaint them with the County's land use processes and afford them the opportunity to ask questions about the special use.

Applicant—Narrative Requirement



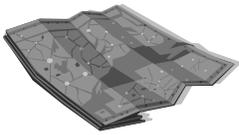
The applicant will need to compose a narrative that responds to the following questions:

- **What conditions warrant a change in zoning?**
In other words, have there been changes in the land use(s) nearby that influence or lend support to the type of proposed zoning on the subject land parcel?
- **How would the zone change advance the public, health, safety and welfare?**
What aspect or attribute of this proposal (in a beneficial sense) provides some compelling reason(s) for the legislative body to grant this opportunity?

- **How would the value and character of the adjacent property be affected?**
If you have reason to believe it may affect the value or character of the adjacent property, then it is incumbent upon the applicant to have someone who has professional expertise available at the hearing to offer testimony regarding the impact that may result from this proposal. Generally, professional testimony carries more weight with the review bodies and before a court-of-law in the event the matter is heard there on appeal.
- **What would be the effect on the property owner(s) if not granted?**
Be candid in your personal assessment.

The narrative is important in that the legislative body wants to know what the likely impacts may be—should they approve this land use request.

Vicinity Map



The applicant will need to obtain a vicinity map from the P&Z office:

- ▶ 8.5” x 11” in size
- ▶ Shows location of the site on a County map
 - ▶ Show closest intersection
 - ▶ Show all properties within 300’ radius of the site
 - ▶ Site should be specifically marked.

Applicant – Putting it all Together & Setting the Public Hearing Date



After all of the data has been completed by the applicant, it is now time to set an appointment with the Planning & Zoning staff and wrap up the application process.

- The zone change application, vicinity map, and narrative must be given to the Planning and Zoning Staff.

The applicant must also furnish a legal property description when the application is submitted. The legal description may be found in the property deed, acquired from the Washington County Assessor’s Office, or secured from the title company where the property transaction occurred.

The applicant will pay a fee for the zone change request according to the fee schedule.

Staff – Preparation for the Public Hearing



The zone change permit is subject to two public hearings—the first is before the Planning and Zoning Commission and the second is before the County Board of Commissioners. The purpose of these public hearings is to apprise interested citizens of the land use proposal and afford them opportunity to comment. Another reason for this process is to create a public record.

- First, the staff will schedule the applicant for a time to have his/her permit reviewed at a Planning and Zoning public hearing.
- The Planning and Zoning staff will send letters to all residents within a 300-foot radius of the proposal according to the Washington County assessor’s record advising the public of the public hearing.

- The staff will also publish the permit request in the newspaper of general circulation and post the property site with signage announcing the date and time of the public hearing.
- The public hearing is conducted before the Planning and Zoning Commission.
 - ✓ The Planning and Zoning Commission is composed of nine citizen volunteers from Washington County who have schooled themselves in land use matters.
- A possible delay in the hearing process occurs when the review body lacks a sufficient quorum to hear this matter which happens from time to time due to unexpected circumstances. In that situation, the Planning and Zoning staff makes every effort to timely reschedule the matter recognizing that time is money.

Staff Review and Comment



With the information provided by the applicant, the Planning and Zoning staff starts the process of developing a staff report that will be available to the public and the legislative body that hears and decides this matter.

- As the staff report is under construction, other County departments and agencies are notified for their review and comments. Frequently, they will add comments or conditions that are incorporated into the staff report.
- It is important to note that staff tries to strike a balance between being an advocate for the applicant's land use proposal and serving the public's best interest, which may not be one and the same thing.
- Some of the land use considerations that staff evaluates relative to a rezone request are:
 - ✓ Does this rezone serve the public's best interest when balanced against individual property rights?
 - ✓ Does the Comprehensive Land Use Map support this rezone request?
 - ✓ Does the Comprehensive Land Use Plan Text support this request?
 - ✓ Are there lands uses nearby that lend support to this land use request?
 - ✓ Is there a land use trend, pattern or transition in the immediate area that would lend support to this rezone request?
 - ✓ Is it possible to condition the applicant's request through a development agreement as a means to mitigate any land use activity that is felt to be inappropriate or excessive with respect to adjoining land uses?
 - ✓ Is the current zoning unrealistic for the land use?
 - ✓ Will the rezone bring about some positive community change?
 - ✓ Does the rezone impact either the value or the character of nearby land or real property?
 - ✓ What change in land use circumstances lends impetus to this rezone?
 - ✓ Could rezone denial constitute a property taking?
- The applicant is furnished a copy of the staff evaluation prior to the public hearing.

At the Public Hearing



Public hearings are usually held at the regular meeting on the third Tuesday of every month. The meeting is presided over by the Planning and Zoning Commission Chairperson.

The hearing procedures as required by Idaho Code are as follows:

- Staff will first present a report on the application.
- The applicant or his/her representative will then present a summary of the request.
- Testimony from those in support is received, followed by testimony from those neutral, then testimony from those in opposition. NOTE: While various individuals are providing testimony the Planning and Zoning Commissioners may ask questions of staff or the applicant about certain aspects of the rezone.
- Finally, the applicant or his/her representative is afforded an opportunity for rebuttal.
- After the applicant's rebuttal, testimony is closed and no new oral or written testimony is allowed.

Hearing Body Decision

After testimony is closed, the Planning and Zoning Commission will review the facts and render a recommendation that is sent to the County Commissioners for their review. *The recommendation will articulate the zone change terms and conditions.*

- ★ It should be noted that hearing body members are prohibited from engaging in personal conversations or receiving private correspondence about the land use matter from the applicant or any other affected person after the application is submitted until the decision is rendered.

County Commissioners' Public Hearing

After completion of the Planning and Zoning hearing, the staff will schedule the public hearing before the County Commissioners. This legislative body normally meets every Monday.

- Staff mails out another notice to the affected individuals, places a legal notice in the newspaper of general circulation, and posts the property with a public notice.
 - The County commissioners hear land use matters as a quasi-judicial body rather than as a court of law. The meeting is presided over by the Chairman.
 - The County Commissioners follow the same public hearing procedures as do the Planning and Zoning Commission.
- ★ It should be noted that hearing body members are prohibited from engaging in personal conversations or receiving private correspondence about the land use matter from the applicant or any other affected person after the application is submitted until the decision is rendered.

Final Decision

After testimony is closed, the County Commissioners will review the facts and render a decision on the matter.

- The County Commissioners will write a report reflecting their findings, conclusions and decision.
- Once the order is signed, an appeal period is activated whereby the applicant or an affected person with standing may seek a judicial review through the court system.
- All appeals must be filed in writing with the County Clerk.



APPLICATION FOR REZONE

NAME: _____

PHONE (home): _____ (business): _____

ADDRESS: _____

PROPERTY ADDRESS & LEGAL DESCRIPTION: (attach if necessary):

ZONING CLASSIFICATION: Present _____ Proposed _____

IS A DEVELOPMENT AGREEMENT REQUESTED WITH THE REZONE? Yes No

IS THE INTENT OF THIS REZONE A RESIDENTIAL SUBDIVISION? Yes No

An Application fee of \$100.00 and Deposit of \$500.00 must accompany this completed application.

NARRATIVE: 1. The general compatibility with adjacent and other properties in the district and the relationship of the proposed use to other aspects of the Comprehensive Plan will be discussed. 2. Availability of public facilities such as streets, sewage, water, etc., to support the proposed uses; and compatibility of the proposed uses with the surrounding area.

VICINITY SKETCH: A vicinity map, which is drawn to scale, must be attached showing the location of the property under consideration.

PROOF OF OWNESHIP OR VALID OPTION HOLDER; a copy of your property deed or option agreement should be attached.

IF THE CURRENT ZONING IS A-1: No land zoned A1 may be rezoned to a different use until it can be shown that the land is not prime agricultural land. The county seeks to protect agricultural land. Prime agricultural land shall be defined by:

- a. Potential crop productivity.
- b. Availability of irrigation.
- c. Grazing potential.

Environmental factors such as water quality and availability, septic capacity, soils, flooding potential and other factors affecting development shall be addressed.

The applicant applying for rezone shall submit a report as designated by the county addressing these conditions for consideration by the county prior to rezoning of the property.

The Administrator reserves the right to not officially accept this application until total review is accomplished and all required information is submitted. The Administrator upon the acceptance of a complete application will establish the date of the public hearing.

Applicant Signature: _____

DATE RECEIVED _____ RECEIPT NO. _____

ACCEPTED BY _____ DATE OF HEARING _____